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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,958	12/11/2001	Harold A. Ludtke	SONY 3.0-012	6326
530	7590	06/15/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ST CYR, DANIEL	
		ART UNIT		PAPER NUMBER
				2876

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application N .	Applicant(s)
	10/014,958	LUDTKE, HAROLD A.
	Examiner Daniel St.Cyr	Art Unit 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 5-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 21-33 is/are allowed.
- 6) Claim(s) 1,2 and 5-13 is/are rejected.
- 7) Claim(s) 14-20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Pri rity under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Receipt is acknowledged of the amendment filed 4/05/04.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnsen, US Patent No. 5,250,789.

Johnsen discloses a shopping cart system comprising: a central computer 62 for broadcasting a site signal within a site representing a plurality of item records associated with a plurality of items within the site, each said item record comprising item identifier information and item location information, said item identifier information describing said items and said item location information describing the location of said items within the site; a mobile unit 12 for receiving the site signal remotely within the site; using the remote device to compare at least some of the item identifier information in the site signal with user selected item information stored on the remote device (see col. 6, lines 40-450; and displaying to a user the item identifier and item location ,information that match the user selected item information based on the comparison (using the location program) (see col. 9, lines 52-64). (see figures 1-4).

Re claim 2, wherein the site is a building (store), the items comprise products within the building, and the site signal is broadcasted from a location within the building (from the store computer). (see col. 8, line 50).

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Re claim 5, wherein the step of broadcasting occurs after the user selected item information is stored in the remote device (see col. 7, line 49+).

Re claim 6, further including the step of ordering the displayed item identifier and location information based on the item location information transmitted with the site signal (see figure 8 and col. 9, line 52+).

Re claim 7, wherein the remote device is a personal data assistant (see figure 8).

Re claim 8, wherein the step of broadcasting a site signal is repeated (at anytime) (see col. 7, line 49+).

Re claim 9, wherein the step of broadcasting comprises broadcasting the signal repetitively regardless of whether said remote device is present at said site (see col. 7, line 49).

Re claims 10-13, the limitations have been met above, including having wireless signals (see col. 7, line 44+).

***Allowable Subject Matter***

4. Claims 14-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 21-33 would be allowable if rewritten or amended to overcome the objection of claim 21 set forth in this Office action.

***Response to Arguments***

6. Applicant's arguments filed 4/05/04 have been fully considered but they are not persuasive. (see examiner remarks).

**REMARKS:**

In response to the applicant argument that Johnsen does not broadcast a site signal within the site that includes items location information, the examiner respectfully disagrees. At the beginning of shopping the display unit is wirelessly loaded with a database containing products information wherein the product information includes location information. The customer inputs his shopping list through the floppy drive wherein the match the customer list with products in the database (see col. 6, line 40+ and col. 8, line 24+).

The applicant argument is not persuasive. Refer to the rejection above.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

DS

June 8, 2004